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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR-1809-2023 (O&M)
Date of decision: 09.04.2024

Daljit Singh

...Petitioner

Versus

Gurinder Bir Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sukhdeep Singh, Advocate for
Mr. ADS Sukhija, Advocate for the petitioner.

Mr. Amandeep Singh Sandhu, Advocate
for the complainant/respondent.

Both the parties in person.

KARAMJIT SINGH, J. (ORAL)

1. The present revision petition has been filed by the petitioner/accused seeking setting aside of judgment dated 04.02.2020 passed by the Court of Additional Sessions Judge, Patiala whereby the appeal filed by petitioner against judgment and order dated 14.10.2019 passed by the Court of Judicial Magistrate Ist Class, Patiala, whereby petitioner was convicted and sentenced to RI for one year and to pay a compensation of Rs.3 lac along with simple interest at rate of 9% per annum from the date of issuance of cheque till its realization and in case of default of payment of compensation to further undergo simple imprisonment for period of 3 months under Section 138 NI Act, was dismissed.

2. The brief facts of the case are that petitioner issued a cheque

bearing number 461194 dated 18.04.2016 worth Rs.3 lac in name of respondent, in lieu of his outstanding liability. On presentation, the said cheque was dishonored and then on completion of all the formalities, the respondent filed complaint under Section 138 NI Act and on conclusion of trial, petitioner was convicted and sentenced to imprisonment and to pay a compensation as has been detailed in the opening paragraph of present judgment.

3. Being aggrieved, petitioner filed appeal which was also dismissed by the Court of Additional Sessions Judge, Patiala vide judgment dated 04.02.2020. Still being not satisfied petitioner filed the present revision petition.

4. During the pendency of the revision petition, the matter was compromise between the parties and as per said settlement deed Annexure A-4, the petitioner was to pay amount of Rs.3,60,000/- in total to the respondent/complainant. Today, respondent appeared in person and made statement that he has received the entire settled amount worth Rs.3,60,000/- and he further stated that he is having no objection if offence punishable under Section 138 NI Act is compounded and the petitioner is acquitted. Even the petitioner has admitted factum of compromise and made prayer that the present petition be allowed.

5. Offence punishable under Section 138 NI Act is compoundable. It appears that in the present case, parties have settled their dispute with regard to dishonor of cheque in question. In the given circumstances, permission is hereby given to the parties to compound an offence punishable under Section 138 NI Act in the present case.

Consequently, the petitioner deserves to be acquitted of an offence punishable under Section 138 NI Act.

6. For the foregoing reasons, the present petition is allowed and petitioner is acquitted of an offence punishable under Section 138 NI Act.

7. Pending applications, if any, stand disposed of.

09.04.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No